

# **EXHIBIT 1**

**TRIAL CAUSE NO. 18-CV-1572**

<b>COUNTY OF GALVESTON</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<i>Plaintiff,</i>	§	
	§	
VS.	§	<b>212TH JUDICIAL DISTRICT</b>
	§	
<b>PURDUE PHARMA LP, et al.</b>	§	
	§	
<i>Defendants.</i>	§	<b>GALVESTON COUNTY, TEXAS</b>

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**MDL PRETRIAL CAUSE NO. \_\_\_\_\_**  
**(MDL MASTER CAUSE NO. 2018-63587)**

	§	<b>IN THE DISTRICT COURT</b>
	§	
	§	
	§	
<b>IN RE TEXAS OPIOID LITIGATION</b>	§	<b>152ND JUDICIAL DISTRICT</b>
	§	
	§	
	§	<b>HARRIS COUNTY, TEXAS</b>

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**NOTICE OF TRANSFER OF TAG-ALONG CASE**

To the Honorable Court:

As required by Rule 13.5(e) and Rule 13.5(a), Rules of Judicial Administration, this notice is to inform the Court that this case is transferred as a tag-along action to the 152nd District Court of Harris County, Texas before Judge Schaffer.

On April 20, 2018, Manufacturer Defendants<sup>1</sup> filed a Motion to Transfer six opioid-related Texas cases and all future related Texas cases to a pretrial court under Rule 13 of the Texas Rules of Judicial Administration. On May 1, 2018, Distributor Defendants<sup>2</sup> joined the Rule 13 Motion with respect to these cases and identified two additional, related Texas cases for transfer. On May 10, 2018, Manufacturer Defendants and Distributor Defendants filed a joint supplement to the Motion to Transfer, identifying ten additional, related cases for transfer.

On June 13, 2018, the Texas MDL Panel granted the Motions to Transfer in Docket No. 18-0358, styled *In re Texas Opioid Litigation*. (Order Granting Motions to Transfer, attached at Appendix C.) On June 18, 2018, the Texas MDL Panel appointed the Honorable David Peeples, senior judge of the 224th District Court of Bexar County, as the pretrial judge for the *Texas Opioid Litigation* MDL and transferred "all pending cases, together with any tagalong cases, to him." (Appointment of Pretrial Judge, attached at Appendix D.)

On August 25, 2018, Judge Peeples recused himself. (Order of Voluntary Recusal, attached at Appendix E.) On September 5, 2018, the MDL Panel reassigned the MDL proceeding to Judge Schaffer, ordering that "the cases listed in the Appendices of the Motions for Transfer and all tag-along cases are transferred to Judge Robert Schaffer of the 152<sup>nd</sup> District Court of Harris County." (Order Appointing Pretrial Court, attached at Appendix F.) This case is a tag-along action within the meaning of the Texas Rule of Judicial Administration 13.2(g).

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<sup>1</sup> The Manufacturer Defendants that filed the April 20 motion were Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company Inc.; Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions Inc.; Endo Pharmaceuticals Inc.; Knoll Pharmaceutical Company, a wholly-owned subsidiary of AbbVie Inc.; AbbVie Inc.; Watson Laboratories, Inc.; Actavis LLC; and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.

<sup>2</sup> The Distributor Defendants that filed the May 1 motion were AmerisourceBergen Drug Corporation, McKesson Corporation, and Cardinal Health, Inc.

Upon filing this notice of transfer with the Transfer Order, this case is deemed transferred from the trial court to the MDL Pretrial Court pursuant to Rule of Judicial Administration 13.5(e). The effect on a trial court of filing this Notice of Transfer is further discussed in Rule 13.5(b).

As required by Rule 13.5(a), attached at Appendix A to this notice is a list of all parties who have appeared and remain in the case, and the names, addresses, phone numbers, and bar numbers of their attorneys.

Attached at Appendix B to this notice is a list of all parties who have not yet appeared in the case.

Dated: December 7, 2018

Respectfully submitted,

/s/ Hannah Sibiski

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### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing instrument was served via email on the following counsel on December 7, 2018:

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/s/ Hannah Sibiski  
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**APPENDIX A**

**LIST OF PARTIES WHO HAVE APPEARED AND REMAIN IN THE CASE**

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**APPENDIX B**

**LIST OF ALL PARTIES WHO HAVE NOT YET APPEARED IN THE CASE**

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Johnson & Johnson  
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Mallinckrodt PLC  
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Purdue Pharma LP  
Teva Pharmaceutical Industries, Ltd.<sup>3</sup>  
Tev Pharmaceuticals USA, Inc.  
The Purdue Frederick Company Inc.  
Watson Laboratories, Inc.

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<sup>3</sup> Incorrectly named as “Teva Pharmaceutical Industries, LTD.”

**APPENDIX C**

**ORDER GRANTING MOTIONS TO TRANSFER**

**ORDER OF MULTIDISTRICT LITIGATION PANEL**

Order Issued June 18, 2018

**APPOINTMENT OF PRETRIAL JUDGE IN THE FOLLOWING MULTIDISTRICT  
LITIGATION CASE:**

18-0358        IN RE TEXAS OPIOID LITIGATION

The panel hereby appoints Judge David Peeples, senior judge of the 224<sup>th</sup> District Court of Bexar County, previously approved by the Chief Justice pursuant to Administrative Rule 13.6, as pretrial judge in the captioned proceeding and transfers all pending cases, together with any tagalong cases, to him.

**APPENDIX D**

**ORDER APPOINTING JUDGE PEEPLES**

**ORDER OF MULTIDISTRICT LITIGATION PANEL**

Order Issued June 18, 2018

**APPOINTMENT OF PRETRIAL JUDGE IN THE FOLLOWING MULTIDISTRICT  
LITIGATION CASE:**

18-0358        IN RE TEXAS OPIOID LITIGATION

The panel hereby appoints Judge David Peeples, senior judge of the 224<sup>th</sup> District Court of Bexar County, previously approved by the Chief Justice pursuant to Administrative Rule 13.6, as pretrial judge in the captioned proceeding and transfers all pending cases, together with any tagalong cases, to him.

**APPENDIX E**

**ORDER OF VOLUNTARY RECUSAL**

**No. 2018-CI-12812**

**IN RE TEXAS OPIOID  
LITIGATION**

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**IN THE DISTRICT COURT**

**225<sup>TH</sup> JUDICIAL DISTRICT**

**BEXAR COUNTY, TEXAS**

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**ORDER OF VOUNTARY RECUSAL**

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On August 3, while reading and preparing for the initial hearing in the captioned litigation, the court noticed that one of the opioid drugs at issue had been used by the court's wife in 2016. The court confirmed this recollection by discussing it with his wife and by locating the bottle of remaining pills that were prescribed for her in May 2016.

On the following day the court notified liaison counsel of this discovery and summarized for them the circumstances of his wife's use of the opioid pills. The court expressed concern that he was an eye witness to events involving the prescribing and use of an opioid similar to some of the contested issues in the captioned litigation. The court further stated that recusal might be required by Rule 18b (b), which says: "A judge must recuse in any proceeding in which: . . . (3) the judge has personal knowledge of disputed evidentiary facts concerning the proceeding."

The court and liaison counsel agreed that the parties should be given the opportunity to waive this possible ground for recusal pursuant to Rule 18b (e) ("parties to a



proceeding may waive any ground for recusal after it is fully disclosed on the record”), but not all parties have agreed to waive the issue.

The court has concluded that the prudent course of action is to recuse voluntarily. The court therefore issues this order of voluntary recusal from the captioned litigation and from MDL Cause No. 18-0358, *In Re Texas Opioid Litigation*. The MDL Panel Chair has been notified of this recusal, and another judge will be assigned.

**SIGNED: August 25, 2018**



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**JUDGE DAVID PEEPLES**

**APPENDIX F**

**ORDER APPOINTING JUDGE SCHAFER**

**ORDER OF MULTIDISTRICT LITIGATION PANEL**

Order Issued September 5, 2018

**APPOINTMENT OF PRETRIAL JUDGE IN THE FOLLOWING MULTIDISTRICT  
LITIGATION CASE:**

18-0358        IN RE TEXAS OPIOID LITIGATION

The Manufacturer Defendants Purdue Pharma L.P., et al. and the Distributor Defendants McKesson Corporation, et al.'s Motions to Transfer were granted on June 13, 2018. Pursuant to Rule 13 of the Texas Rules of Judicial Administration, the cases listed in the Appendices of the Motions for Transfer and all tag-along cases are transferred to Judge Robert Schaffer of the 152<sup>nd</sup> District Court of Harris County.